

REMARKS

The Specification has been amended for the purposes of clarification. No new matter has been added because the changes either describe features that are already apparent in the drawings, or correct grammatical errors.

The objection that reference numeral 30 is not described in the Specification is respectfully traversed. See page 6, line 2.

Claims 3 and 4 were indicated to be allowable if rewritten in independent form, and this has been done in the foregoing amendment. Accordingly, Claims 3 and 4 are believed to be in condition for immediate allowance.

A Supplemental Information Disclosure Statement accompanies this Amendment. It cites new references which were just called to the attention of the undersigned attorney on December 15, 2004 by means of an Action received on the U.S. design patent application for the product shown in this patent application. It is not believed that the new art is any more relevant than the art cited and relied on by the Examiner.

The rejection of Claims 1, 9 and 10 as being anticipated by Gosselin 6,220,133 is respectfully traversed. The disclosure of the Gosselin patent is described in the Specification of this patent application on page 2, in the

first full paragraph. As it is stated there, Gosselin provides a knife with measuring marks along its blade. The blade is laid on top of the butter block with a mark on the blade aligned with the edge of the block. Then, the blade is rotated to a vertical position, plunged downwardly into the block and then rotated downwardly to make a cut at the desired location. Then the knife is removed and another cut is made to sever the desired quantity from the block.

This operation is cumbersome and time consuming.

The Examiner contends that the tip 14a of the knife blade is a "cutting edge". However, in Column 2, lines 49 and 50, the element 14a is described simply as a "blade tip". The fact that the blade tip can be thrust into the butter probably is due to the fact that the butter in question is relatively soft. In any event, that blade tip does not sever a desired or "pre-determined" quantity of food from a food block.

Gosselin makes it clear that the blade used for serving a desired quantity of the food from the butter stick is designated by the reference numeral 10 or 14. Thus, in Column 2, lines 56-61, Gosselin states:

"Afterwards, knife 10 can be laterally pivoted around its tip so as to cut the butter block 18 along a cutting line 20, as shown in FIG. 2d. To finish the cutting operation, the knife 10 can then be used to cut the remaining portion of the block 18 by

aligning its blade 14 with the citing line which has been formed on the block 18."

This cutting operation is shown in FIG. 2d, and the motion of the knife used to make the cut is indicated by the large curved arrow shown in that Figure. Thus, it is clear that the tip 14a of the knife blade is not a cutting edge used to sever the desired quantity of food from the block.

The Examiner also rejects Claims 1, 2 and 5 through 11 on a combination of Wentzel 2,948,064 and Gosselin. This rejection also is traversed.

Gosselin has been distinguished above. Even if Gosselin were combined with Wentzel, it would not produce the invention because, as the Examiner concedes, the cutting edge 5 of Wentzel does not extend transversely to the direction in which the measurement marks are spaced from one another.

Furthermore, there is nothing in either of the references which would suggest that they be combined with one another. In both references, an added step beyond that used in the present invention is required. In Wentzel, after a measurement has been made, the dull knife edge 5 of the knife portion 3 of the butter ruler is aligned with the measured mark in order to sever the desired quantity of butter from the stick.

Similarly, in Gosselin, after the downward thrust of the tip of the knife is used to make the initial cutting mark, a separate operation of rotating the blade downwardly once or twice is required.

As a result, Applicant's butter cutter is much faster and simpler to use.

All that is required with Applicant's device and method is rotate the blade to a vertical position and thrust downwardly once. This is the epitome of simplicity.

Although the claims were originally written so as to distinguish over the Gosselin type of prior art, in order to be certain of this, the claims have been amended so as to add to Claims 1 and 9 the limitation that the cutting edge has a length at least substantially equal to the width of the food block in the direction in which it is to be cut. The tip of the knife blade shown in the Gosselin patent certainly does not have this feature, and the patent does not suggest it. The limitations added to these claims were in original Claims 2 and 11, respectively. Accordingly, those claims have been cancelled.

Also, original Claim 8 has been amended to add the feature in which the cutter body is relatively wide to enable

the cutter to be used in the manner of a spatula, as disclosed on page 6, lines 6-9, of the Specification.

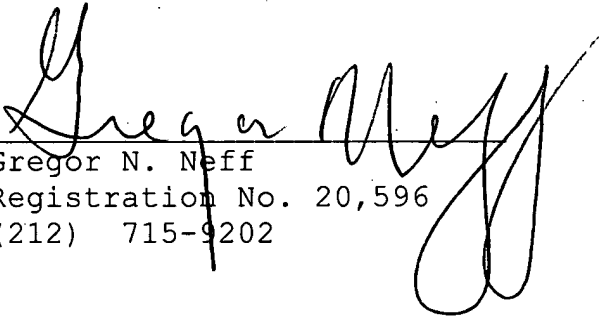
In accordance with the foregoing, it is respectfully submitted that the claimed invention has been shown to be novel and unobvious and patentable over the cited references.

Accordingly, it is respectfully requested that the application be passed to issue.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicant(s)

By:


Gregor N. Neff
Registration No. 20,596
(212) 715-9202